



# Americans with Disabilities Act ADA Transition Plan for Public Rights-of-Way



Nancy Panzarella, Human Resources Director  
**MONROE COUNTY INDIANA**  
June 25, 2012

## INTRODUCTION

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990, and later amended effective January 1, 2009. As written and implemented, the ADA provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, access to public accommodations, transportation, and telecommunication. The ADA is a companion civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. In order to be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA, however, does not specifically name all of the impairments that are covered.

The ADA is divided in five sections covering the following topics:

Title I: Employment

Title II: Public Services (and Transportation)

Title III: Public Accommodations (and Commercial Facilities)

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title II, specifically prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to person with disabilities. It is under this title that this transition plan has been prepared. This transition plan is intended to outline the methods by which physical changes will be made to give effect to the non-discrimination policies described in Title II.

## **TRANSITION PLAN DEVELOPMENT**

To ensure program accessibility for people with disability in the community, Monroe County, Indiana has developed a Transition Plan, which is to be considered good practice.

*This Transition Plan for Public Rights-of-Way considers the following:*

### **A. ADA COORDINATOR:**

Effective communication is essential to address all the complaints or concerns of all individuals. In order to keep maintaining the lines of communication open, and thereby ensuring effective communication between all parties, Monroe County, Indiana has designated the Human Resources Director as the ADA Coordinator. The ADA Coordinator shall coordinate the County's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to the ADA coordinator. Such complaints may take the form of alleging noncompliance with ADA mandates or alleging any actions that would be prohibited under the ADA. The County shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints. Every complaint must be directed in writing to the ADA Coordinator, in this case the Human Resources Director.

### **B. GRIEVANCE PROCEDURE:**

The Grievance Procedure established below is intended to adhere to the standards outlined in the ADA. The procedure must be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provisions of services, activities, programs, or benefits provided by Monroe County, Indiana.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complaint and location, date, and description of the problem. Grievance Forms must be used to lodge a complaint,

please make reference to Appendix A. Alternative means of filing complaints, such as personal interviews or recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 180 calendar days after the alleged violation to:

**ADA Coordinator  
Human Resources Department  
100 W. Kirkwood Avenue  
Bloomington, IN 47404**

Within 15 calendar days after receipt of the complaint, ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of Monroe County and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ADA Coordinator or his designee. Within 15 calendar days after receipt of the appeal, the ADA Coordinator or his designee will meet again with the complainant to discuss the appeal and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator or his designee will respond in writing, and, where appropriate, in the formats described above that is accessible to complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the ADA Coordinator or his designee, and responses from ADA office will be retained by Monroe County for at least three years.

### **C. SELF EVALUATION/COMMITMENT**

Monroe County has conducted an inventory of evaluations of curbs ramps and sidewalks using aerial views and on-site inspections. The majority of these do not meet ADA requirement. Monroe County is committed to making all sidewalk and curb ramp areas accessible to all pedestrians including those with disabilities. This will be accomplished through the following programs:

- All new construction, reconstruction, roadwork construction or alterations, including federal projects under the control and/or inspection of Department of Public Works/Highway Department will be in compliance with the ADA;
- The County will have in place a sidewalk repair program annually;
- Allotting a conservative estimate of \$1,700 per curb ramp installation or reconstruction, Monroe County is committing approximately \$100,000.00 for the next 25 years to solicit a separate contract for the sole purpose of installing new curb ramps and reconstructing existing curb ramps to meet compliance.

The missing or non-compliant curb ramps shall be prioritized.

### **D. ADA STANDARDS/GUIDELINES:**

The standards are intended to apply to all construction undertaken within Monroe County Right-of-Way. The Indiana Department of Transportation design guidelines and standard drawings will serve as the primary standards and guidelines for this plan. Other standards, if necessary, will be applied at the discretion of the ADA Coordinator.

## **IMPLEMENTATION**

Monroe County intends to implement this Transition Plan effective the date of this document. Not only does the County commit to following the guidelines set forth in this Transition Plan but also commits to actively revising and amending this document as new information is discovered. Further, as a matter of policy, this document will be updated at least every five years. Finally, a copy of this document will be placed on the County's website.

**Appendix A: ADA COMPLAINT / GRIEVANCE FORM**

**Grievant Information**

Grievant Name:			
Address:	City:	State:	Zip Code:
Phone: (   ) -	e-mail:		
Alternative Phone: (   ) -			

**Person Preparing Complaint Relationship to Grievant (if different from Grievant):**

Grievant Name:			
Address:	City:	State:	Zip Code:
Phone: (   ) -	e-mail:		
Alternative Phone: (   ) -			

**Please specify any location(s) related to the complaint or grievance (if applicable):**

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**Please provide a complete description of the specific complaint or grievance:**

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**Please state what you think should be done to resolve the complaint or grievance:**

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**Please attach additional pages as needed.**

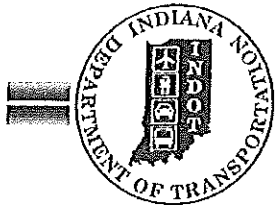
**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Please return form to: ADA Coordinator, Human Resources Department, Courthouse, 100 W. Kirkwood Avenue, Bloomington, IN 47404-5140  
or via fax at (812) 349-7319.**

**Upon request, reasonable accommodations will be provided in completing this Form or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address above or via telephone at (812) 340-7313.**





## INDIANA DEPARTMENT OF TRANSPORTATION

June 16, 2014

LPA Partners,

This document serves as a high priority notification and explanation of the upcoming required completed survey titled, "LPA Pre-Award Certification and Assurance."

### Who needs to complete this survey?

This survey is required to be completed annually by any Local Public Agency (LPA) receiving federal financial assistance in the form of Federal Highway Administration (FHWA) funds from the Indiana Department of Transportation (INDOT). This survey has been required for the last three years by INDOT as part of our Title VI/Nondiscrimination Program, which requires INDOT to monitor LPAs for compliance with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. INDOT uses the information gathered from the survey to report on the compliance efforts of INDOT and LPAs to the FHWA.

Federal financial assistance is more than just money. Federal financial assistance includes aid that enhances the ability to improve or expand allocation of a recipient's resources. Examples include:

- Training of employees
- Detail of federal personnel
- Grants, loans, tax-exempt bonds
- Property or land
- Loan of personnel
- Technical assistance

### When can it be completed?

The survey will be open from 12:01 a.m. EDT, July 1, 2014, to 11:59 p.m. EDT, Sept. 1, 2014. Any LPA that does not complete the survey within this time frame will be labeled as non-compliant and will be at risk of ineligibility for federal funding during INDOT fiscal year 2015.

The survey will consist of questions related to an LPA's compliance to Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. In addition, two questions will request information on your regulatory and warning signs. Because only one response per LPA will be accepted, it is important to review each question carefully and be sure the authorized individual(s) for your LPA submits the response.

If your agency receives federal funds, it is required to have a Title VI coordinator who must be an employee of the LPA. If your agency employs more than 50 people (including full time and part time), it is required to have an ADA coordinator.

#### How can you prepare for the survey?

1. Find out who your LPA's authorized individual is and inform him/her that timely completion of this survey is critical.
2. Ensure that the individual completing the survey understands your agency's current Title VI Implementation Plan, ADA Transition Plan, and nondiscrimination processes and procedures.
3. Start the survey early in the available open time frame. This survey is required to be completed at the beginning of INDOT's fiscal year, which coincides with construction season when INDOT personnel frequently may be on job sites instead of in the office. This may delay INDOT's response time to your questions.
4. Register and attend one of our informative webinars from 2 to 3 p.m. EDT, June 27, 2014, or 11 a.m. to noon EDT, June 30, 2014. INDOT will offer a basic review of the survey topics and an open question-and-answer session. To register, please email [LPAQuestions@indot.in.gov](mailto:LPAQuestions@indot.in.gov) the following:
  - a. Your first and last name and the agency you represent
  - b. The name of the webinar – LPA Pre-Award Certification Survey Webinar – followed by the date (June 27 or June 30) you would like to participateYou will receive a reply confirmation providing login information.

**\*NOTE:** This webinar is open ONLY to those who preregister, due to bandwidth limitations.

#### How do you complete the survey?

If your agency previously has completed the survey, it will appear on the home page of INDOT's Technical Applications Pathway (ITAP) as an application option titled, "LPA Annual Pre-Award Certification & Assurance."

ITAP can be accessed on INDOT's Local Public Agency website – <http://www.in.gov/indot/2390.htm> – under "Related Links."

If your agency previously has not completed this survey, you will need to request this application. For help, please contact Britni Saunders or Mike Cales (contact information below).

For more information regarding this survey, please reference the following resources:

#### LPA Pre-Award Certification Survey Information Webinars:

- June 27, 2014, 2 to 3 p.m. EDT
- June 30, 2014, 11 a.m. to noon EDT

**\*Pre-register using instructions above.**

**\*\*NOTE:** This webinar is open ONLY to those who preregister, due to bandwidth limitations.

INDOT's Economic Opportunity website: [www.in.gov/indot/2674.htm](http://www.in.gov/indot/2674.htm)

INDOT's LPA website: [www.in.gov/indot/2390.htm](http://www.in.gov/indot/2390.htm)

**Britni Saunders, LPA Training Program Director**

Office: (317) 234-7930

Email: [bsaunders@indot.in.gov](mailto:bsaunders@indot.in.gov)

**Heather Kennedy, Director of Economic Opportunity**

Office: (317) 234-8008

Email: [hkennedy@indot.in.gov](mailto:hkennedy@indot.in.gov)

**Michael Cales, LPA Program Director (technical assistance, ITAP-related questions)**

Office: (317) 232-5021

Email: [mcales@indot.in.gov](mailto:mcales@indot.in.gov)



# INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue  
Room N750  
Indianapolis, Indiana 46204

PHONE: (317) 234-6142  
FAX: (317) 317-233-0891

Michael R. Pence, Governor  
Karl B. Browning, Commissioner

## Doing Business with INDOT: Complying with Title VI, the ADA and Section 504

### Table of Authorities

#### STATUTES

- Title VI of the Civil Rights Act of 1964
- The Age Discrimination Act of 1975
- The Uniform Relocation Assistance and Real Property Acquisition Policies of 1970
- The Federal Highway Act
- The 1973 Federal-aid Highway Act
- The Civil Rights Restoration Act of 1987
- The Uniform Relocation Act Amendments of 1987
- The Americans with Disabilities Act
- The Civil Rights Act of 1991
- Title VIII of the 1968 Civil Rights Act
- The National Environmental Policy Act of 1969
- Section 504 of the Rehabilitation Act of 1973

#### EXECUTIVE ORDERS

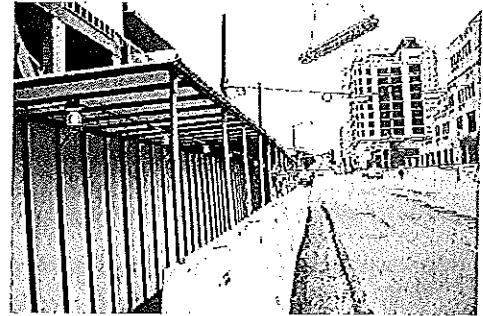
- EO 12250 (November 2, 1980) mandates that U.S. Department of Justice will provide leadership and coordination of nondiscrimination laws.
- EO 12898 (February 11, 1994) mandates that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
- EO 13166 (August 16, 2000) mandates that recipients of Federal financial assistance shall take reasonable steps to ensure that Limited English Proficient (LEP) individuals have meaningful access to its programs, services, and information, free of charge.

# Pedestrians Checklist and Considerations for Temporary Traffic Control Zones

Continued

## Pedestrian Considerations While in the Field Construction/Maintenance/Utility

- ☐ Promote adequate pedestrian safety via physical separation from work space and vehicular traffic, overhead protection, etc.
- ☐ Provide adequate and safe detour(s) whenever sidewalks are closed or blocked.
  - Use signs at intersections to give advance notification of closures ahead, and inform pedestrians where to cross.
  - Provide audible signage for pedestrians with visual disabilities.
- ☐ Clear the path of debris and other items that may obstruct pedestrians' paths.
  - Avoid pedestrian walkway surfaces that are slippery when wet.
- ☐ Consider carefully the placement of intersection crosswalks, implement additional signing/markings, add and/or relocate transit stops, and modify traffic signals (traffic signal timing, pedestrian signals, push buttons) as necessary.
  - Take into account walking speeds and the distance pedestrians travel when traversing travel lanes to determine minimum green time.
- ☐ Inspect pedestrian accommodations during construction to ensure that the traffic control plan (TCP) is followed.
- ☐ Ensure traffic control devices are in good and safe condition.
  - Devices should be sturdy, firm to the grip, and smooth to the touch (have no rough edges).
  - Devices should not be potential tripping hazards.
  - Provide a continuous, detectable edging throughout the length of the facility such that pedestrians using a long cane can follow it.
- ☐ Make pedestrian routes ADA compliant and available to pedestrians during all phases of construction.



## Helpful Resources

- U.S. Access Board [www.access-board.gov](http://www.access-board.gov)
  - Public Rights-of-Way Accessibility Guidelines (PROWAG): <http://www.access-board.gov/prowag/draft.htm#Text> or US Access Board's PROW team: (800)872-2253.
  - Access Board videos on Accessible Sidewalks: <http://www.access-board.gov/news/sidewalk-videos.htm>.
  - Accessible Design for the Blind: [www.accessforblind.org](http://www.accessforblind.org)
- MUTCD. <http://mutcd.fhwa.dot.gov/index.htm>
- FHWA's pedestrian safety website. [http://safety.fhwa.dot.gov/PED\\_BIKE/ped/index.htm](http://safety.fhwa.dot.gov/PED_BIKE/ped/index.htm).
- Federal Highway Administration, *Pedestrian Road Safety Audit Guidelines and Prompts Lists*, July 2007. FHWA-SA-07-007



Developed by:  
American Traffic Safety Services Association (ATSSA)  
15 Riverside Parkway Suite 100  
Fredericksburg, VA 22406-1022  
(800) 272-8772



U.S. Department of Transportation  
Federal Highway Administration

# SAMPLE SUBCONTRACTOR FOLLOW-UP LOG

Disclaimer: This sample document is provided by INDOT for informational purposes only. It does not constitute legal advice. For legal advice, please contact legal counsel.																	
Contract Number= IR-77795-A																	
Company Name	DBE/MBE Status	Description	DBE Certification Comments	District	Owner	Phone	Fax	Date Invited	Email	Phone Call Rec'd	Contact Notes	Bid Rev'd	Bid Amt	Notes	Status	DBE Goal	
ABC Concrete		Sidewalks, Curbs, Ramps and Steps, Concrete		Seymour	Markus Aurelius	877-555-9939	800-541-2865	5/26/2011	ABC@concrete.com	yes	n/a	no	Successful communication	yes	Meeting with Angela Kendrick 8/5/11 regarding work.		
Alma Pavement Marking Company		Pavement Marking		Crawfordsville	Alma Eyre	865-789-9975	865-774-8945	5/26/2011	eyre@ampco.net	yes	n/a	yes	Successful communication	yes	Exceeds DBE goal		
Bass Barrier and Concrete	WBE	Concrete Barrier Rail		Crawfordsville	Lester Mac	865-954-3215	865-369-8923	5/26/2011	lmac@bessbc.com	no	yes	yes	Successful communication	yes	Negotiated quote down to \$9,500.		
Big Bad Contractor Creative		Traffic control & Flagging		All	Curly Jonathanberg	865-215-2136	N/A	5/26/2011	n/a	no	no	no	Unsuccessful quote	yes	Actual low bid. History of bad performance. Not reliable.		
Concrete Construction	DBE	Concrete Barrier Rail		Crawfordsville	Faye DuBois	865-259-5542	867-959-4123	5/26/2011	DuBoisF@triblec.com	yes	no	no	Successful communication	yes	Selected/Used for DBE goal		
D. T. Excavators	DBE	Earthwork Embankment & Excavation		All	Hinton Jobs	865-222-3533	865-730-7390	5/26/2011	jobsh@dte.com	yes	yes	yes	Successful communication	no	Unresponsive		
Dontae Maintenance Corp.		Traffic control & Flagging		All	Richard Wallace	875-458-5530	879-225-5635	5/26/2011	Dontae@DMC.com	no	yes	no	Successful communication	yes	Selected for traffic control (\$5,545); negotiated reduced bid		
Exc. Inc.		Excavation, Site preparation		All	Kennil Graylin	888-545-5545	317-865-2147	5/26/2011	kg@exc.net	yes	n/a	no	Successful communication	yes	Quote used in bid		
Graylyn Consulting		Excavation, Site preparation		Greenfield	Gwyneth Coltrane	877-381-0524	800-259-7895	5/26/2011	gray@gdcconsult.net	yes	n/a	no	Successful communication	yes	Quote 10K over budget.		
Hines Barrier Walls		Concrete Barrier Rail		Crawfordsville	Dupree Hines	865-721-5515	865-222-1010	5/26/2011	Dhines@hines.com	yes	no	no	Successful communication	yes	Actual to bid. Chose DBE to help reach DBE goal.		
Lathan & Grace Construction Co.		Earthwork Embankment & Excavation		Fort Wayne	Rodney Lathan	877-555-1516	888-975-5495	5/26/2011	lathan_grace@ingco.net	yes	n/a	no	Successful communication	yes	Incomplete quote		
Midwest Excavation	DBE	Earthwork Embankment & Excavation		Crawfordsville	Lanery Parker	865-669-7744	865-777-9311	5/26/2011	laneryparker@mwve.com	yes	yes	yes	Successful communication	no	Not interested in project.		

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